

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

JAVIER LAVAYEN

Defendant.

No 14-cr-774 (RJS)  
ORDER

RICHARD J. SULLIVAN, Circuit Judge:

The Court is in receipt of a letter from the parties indicating that Defendant pleaded guilty to a class A misdemeanor and was sentenced to 6 months' imprisonment on November 19, 2020 in Queens County Criminal Court. (Doc. No. 52.)

IT IS HEREBY ORDERED THAT the parties shall appear for a conference on December 3, 2020 at 9:00 a.m. regarding his pending violations of supervised release in this matter. The conference will occur remotely through the CourtCall videoconference platform. In addition, due to the flexibility required to accommodate the planning of proceedings involving detained individuals, the Court will reserve (and the parties shall calendar) December 4, 2020 at 9:00 a.m. as an alternate date for the conference. The Court will email the parties directly with instructions for accessing the CourtCall proceeding. A separate order will follow containing instructions for members of the public to monitor the proceedings.

If possible, defense counsel shall discuss the attached Waiver of Right to be Present at Criminal Proceedings with the Supervisee prior to the conference. If Defendant consents, and is able to sign the form (either personally, or, in accordance with Standing Order M10-468, 20-mc-174 (CM) (S.D.N.Y. Mar. 27, 2020), by defense counsel), defense counsel shall provide the Court with the executed form at least 24 hours prior to the proceeding. In the event that Defendant consents, but counsel is unable to obtain or affix Defendant's signature on the form, the Court will

conduct an inquiry at the outset of the proceeding to determine whether it is appropriate for the Court to add Defendant's signature to the form.

SO ORDERED.

Dated: November 20, 2020  
New York, New York

  
\_\_\_\_\_  
RICHARD J. SULLIVAN  
UNITED STATES CIRCUIT JUDGE  
Sitting by Designation

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
UNITED STATES OF AMERICA

-v-

JAVIER LAVAYEN,  
Defendant.

-----X

**WAIVER OF RIGHT TO BE PRESENT AT  
CRIMINAL PROCEEDING**

**14-CR-774 (RJS)**

**Check Proceeding that Applies**

\_\_\_\_ Supervised Release Conference

I understand that I have a right to appear before a judge in a courtroom in the Southern District of New York at the time the conditions of my release on supervision or my remand to custody are discussed. I have discussed these rights with my attorney and wish to give up these rights for the period of time in which access to the courthouse has been restricted on account of the COVID-19 pandemic. I request that my attorney and I be permitted to participate by telephone, or if it is reasonably available by videoconferencing, in any conference with the court at which such conditions or my remand are discussed.

Date:

\_\_\_\_\_  
Signature of Defendant

\_\_\_\_\_  
Print Name

I hereby affirm that I am aware of my obligation to discuss with my client the specifications of violation of supervised release, my client's rights to attend and participate in the criminal proceedings encompassed by this waiver, and this waiver form. I affirm that my client knowingly and voluntarily consents to the proceedings being held without my client being physically present in court.

Date:

\_\_\_\_\_  
Signature of Defense Counsel

\_\_\_\_\_  
Print Name

**Addendum for a defendant who requires services of an interpreter:**

I used the services of an interpreter to discuss these issues with the defendant. The interpreter also translated this document, in its entirety, to the defendant before the defendant signed it. The interpreter's name is:

\_\_\_\_\_.

Date:

\_\_\_\_\_  
Signature of Defense Counsel

**Accepted:**

\_\_\_\_\_  
Signature of Judge

Date: